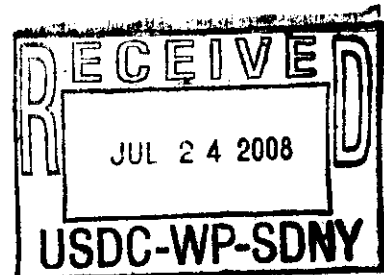


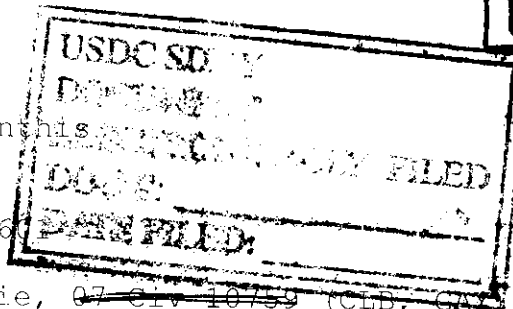
MEMO ENDORSED

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July 23, 2008

The Hon. George A. Yanthis
U.S. Magistrate Judge
300 Quarropas St.
White Plains, N.Y. 106



re: Rosendale v. Brusie, 07-cv-10759 (CLB, GAY)

Dear Judge Yanthis:

07CV8149(CLB)(GAY)

In a few weeks we will reach the first anniversary of the filing of this action. Still pending before the court is my motion under Rule 56 seeking summary judgement (as Judge Brieant had ruled that the discovery in a prior case could be utilized here) which has not been answered, and a subsequent motion under Rule 12 seeking dismissal which was fully-submitted seven months ago.

I am conscious of the fact that the court has had before it many other matters which it would consider to be of much higher priority, and the complications arising from the illness and recent demise of Judge Brieant.

I am merely writing to you, in case in this burden of other cases before the court, this case "dropped between the chairs." At Judge Brieant noted in a 2006 order, there are health issues because of my growing deafness from the continual shooting, and at the age of 72, I am not getting any younger.

I hope that this inquiry is not presumptuous.

Sincerely,

Donald P. Rosendale

cc: Terry Rice, Esq.

Report and recommendation
will be issued in near
future.

Gene S. [Signature]
USMO 7/24/08